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Attorneys for Defendant
GERLING AMERICA INSURANCE COMPANY

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

FIREMAN'S FUND INSURANCE
COMPANY, a foreign corporation a/s/o
BASIC RESOURCES, INC. and GEORGE
REED, INC., a foreign corporation,

Plaintiff,

vs.

GERLING AMERICA INSURANCE
COMPANY, a foreign corporation,

Defendant.

CASE NO.: 3:07-cv-06302-CRB

**DECLARATION OF TINO X. DO IN
SUPPORT OF DEFENDANT GERLING
AMERICA INSURANCE COMPANY'S
MOTION FOR LEAVE OF COURT TO
FILE SECOND AMENDED COMPLAINT**

Date: August 1, 2008
Time: 10:00 a.m.
Courtroom: 8

I, Tino X. Do, hereby declare as follows:

1. I am an attorney licensed to practice in all the courts in the State of California and am an associate attorney with Barger & Wolen LLP, attorneys for Defendant Gerling America Insurance Company. I make this declaration in support of Defendant Gerling America Insurance Company's Motion for Leave of Court to File Second Amended Answer. I have personal knowledge of the facts declared herein and if called upon to testify can and will testify competently thereto.

2. Attached hereto as Exhibit A is a copy of Defendant Gerling America Insurance Company's proposed Second Amended Answer.

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Declaration of Tino X. Do in Support of Defendant Gerling's
Motion for Leave of Court to File Second Amended Answer
3:07-cv-06302-CRB

1 I declare under penalty of perjury under the laws of the United States that the foregoing
2 statements are true and correct.

3 Executed on June 27, 2008 in San Francisco, California.

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5 _____
6 TINO X. DO
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Declaration of Tino X. Do in Support of Defendant Gerling's
Motion for Leave of Court to File Second Amended Answer
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